

Appl. No. 09/892,490

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REMARKS/ARGUMENTS**Claim Rejections - 35 U.S.C. 101**

In the Office Action, claims 1 to 12, 15, and 16 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

Applicant respectfully submits that all of the rejected claims recited a concrete, useful, and tangible result and therefore relate to patentable subject matter.

However, in the interest of advancing the examination of the present application, or at least placing the claims in a better form for appeal, amendments have been made to the rejected independent claims 1, 3, 7, 11, and 15. The claim amendments reflect the suggestions made by the Examiner on pages 9 to 11 of the Office Action, but should not be interpreted as an admission by the Applicant that the former claims were non-statutory.

With reference first to claim 1, the Examiner noted on page 9 of the Office Action that the rejection under 35 U.S.C. 101 can be overcome by reciting a practical application for the claimed method and a use of the claimed assertion. As indicated in the preceding listing of claims, claim 1 has been amended to explicitly recite that during its lifetime, the assertion is usable to provide an indication that a public key is associated with a name. This type of use of an assertion would be readily apparent to a person of skill in the art to which the present application pertains, and is further described at lines 7 to 24 of page 2 of the application, for example. This amendment to claim 1 therefore does not introduce any new subject matter into the application.

As amended, claim 1 clearly recites an application of the method and a use of an assertion. Accordingly, it is believed that amended claim 1 overcomes the rejection under 35 U.S.C. 101, since it reflects amendments suggested by the Examiner on page 9 of the Office Action.

Appl. No. 09/892,490

Claim 2 depends from amended claim 1, and thus also includes the same practical application and use as claim 1.

With regard to claim 3, page 10 of the Office Action suggests that claim 3 should recite at least one hardware component to overcome the rejection under 35 U.S.C. 101. Although Applicant respectfully disagrees with the assessment of claim 3 and its dependent claims in the context of 35 U.S.C. 101, and arguments to this effect have been previously made of record, Applicant has chosen to amend independent claim 3 so as to advance the examination of the application or at least place the claim in a better form for appeal.

In particular, claim 3 as amended recites a client interface and interconnections between the client interface and other claimed components. A client interface is clearly described, for example, at lines 23 to 24 of page 13 as a "computer apparatus". Such an apparatus is a hardware component, and accordingly claim 3 as amended recites at least one hardware component.

Claims 4 to 6 depend from claim 3, which recites a hardware component. As confirmed on page 10 of the Office Action, claims 4 to 6 would become statutory if a hardware component is recited for the system of claim 3.

Independent claims 7 and 11 have both been amended in a substantially similar manner as claim 1. It is respectfully submitted that these claims, and claims 8 to 10 and 12 which depend therefrom, are statutory.

Claim 15 has been amended similarly to claim 3, and now recites a hardware component in the form of a client interface. Claim 15, as well as claim 16 which depends therefrom, are therefore believed to be statutory.

In view of the foregoing, reconsideration and withdrawal of the rejection of claims 1 to 12, 15, and 16 are respectfully requested. It should be appreciated, however, that the

Appl. No. 09/892,490

amendments made to the claims should not be interpreted as any form of admission that the former claims were non-statutory. Applicant believes that the arguments previously made of record remain valid.

Claim Rejections - 35 U.S.C. 103

The Office Action also includes rejections of all of the claims 1 to 12 and 14 to 21 under 35 U.S.C. 103(a) as being unpatentable over Hsu et al (United States Patent 5,982,898) and Lopez et al (United States Patent Application Publication 2002/0103762). The combination of Hsu et al and Lopez et al is further combined with Stahl et al (United States Patent 5,138,650) or Anvekar et al (United States Patent Application Publication 2002/0069188) to reject some of the claims.

All of the claim rejections made in the Office Action are based at least in part upon the combination of Hsu et al with Lopez et al. In order for such a combination to stand as the basis for rejections under 35 U.S.C. 103, there must be a motivation to combine the teachings of the cited references in the manner proposed in the Office Action. Motivation is a required element of any rejection under 35 U.S.C. 103 that is based on more than one cited reference.

The element of motivation is therefore discussed below before the rejections of specific claims are considered in detail. In the absence of the required element of a motivation to combine the cited references, all of the claim rejections under 35 U.S.C. 103(a) that are made in the Office Action are traversed.

Arguments that have previously been made of record in the present application have identified the substantially diverse areas of technology to which the primary references Hsu et al and Lopez et al relate. As noted in previously submitted arguments, Hsu et al relates to a certification process, and Lopez et al relates to managing access to a prepaid communications account. Hsu et al does not at all mention prepaid calling cards or communications accounts and Lopez et al similarly does not make any mention of a certification process.

Appl. No. 09/892,490

It is therefore respectfully submitted that a person of skill in the art to which the present application pertains would not reasonably conclude that the teachings of the two primary cited references could be combined, much less be motivated to even attempt to make such a combination.

Beyond the clear differences in the technical fields of the two primary cited references, these references are also significantly different in terms of how allocated and unallocated times are managed, and further in terms of what these times actually represent.

In Hsu et al, certificates are constructed, and may have a certain expiration time. Before a time-limited certificate expires, the certificate can be used as often as needed, and might not even be used at all. Regardless of whether and how many times a time-limited certificate is actually used, the certificate expires at its expiration time.

In Lopez et al, however, time is managed on the basis of cost, and time that is allocated to a particular call expires only if a call is actually in progress for the entire allocated time. This is substantially different than the expiry model of the time-limited certificates constructed in Hsu et al.

It is suggested at the bottom of page 8 of the Office Action that a skilled person should appreciate that customers would be more likely to purchase a service if they are aware that they are unlikely to lose money for any services not fully used. At the top of page 9 of the Office Action, it is further asserted that a skilled person would have been motivated to search out the teachings of Lopez et al to provide a better business model for the certificate sellers disclosed by Hsu et al.

Regarding costs, Hsu et al only mentions costs in the context of managing and administering valid and revoked certificates for large scale internet environments. Limiting or recovering costs associated with unexpired time remaining for revoked certificates is not disclosed or even suggested in Hsu et al.

Appl. No. 09/892,490

Applicant further respectfully submits that upon reviewing Hsu et al, a skilled person would not be led to search out an alternate business model. In particular, Hsu et al itself provides a solution for certificate management challenges. For example, as noted at lines 57 to 59 of column 3, "the root cause of many of the key management problems can be traced to the long-lived nature of the certificates". Hsu et al then proceeds to discuss several key management problems, including compromise of a private key. Short-lived certificates as disclosed in Hsu et al are less likely to be compromised, as described at lines 36 to 38 of column 2.

An improved business model is therefore proposed in Hsu et al itself, and accordingly a skilled person would not be led to search for yet another improved business model or to modify the teachings of Hsu et al in accordance with Lopez et al. By teaching its own improvements to an existing certification process, Hsu et al is effectively teaching away from other solutions to the same problem. Combining Lopez et al with Hsu et al would appear to a person skilled in the art as being analogous to providing, in one system, two alternate solutions to the same problem.

Applicant therefore respectfully submits that the combination of Hsu et al with Lopez et al is not proper.

It is further respectfully submitted that the combination of Stahl et al or Anvekar et al with Hsu et al is also lacking proper motivation. These references, like Lopez, are from diverse art areas that are substantially different from the technical field of the present application. Both the diverse patent classifications and varied operating environments of Hsu et al, Stahl et al, and Anvekar et al call into question the existence of a proper motivation to combine.

Reconsideration and withdrawal of the 35 U.S.C. 103 rejections are thus respectfully requested.

Even supposing that one were to combine the teachings of Hsu et al and Lopez et al, Applicant respectfully submits that this combination does not teach all of the limitations of the

Appl. No. 09/892,490

rejected claims. The claims are considered in detail below in the order in which the rejections were made in the Office Action.

Claims 1, 2, 17, 18, 11, and 12

Regarding claim 1, page 12 of the Office Action asserts that Lopez et al discloses the features of selling a pool of unallocated time, subtracting a lifetime from the unallocated time, and adding any remaining lifetime to the unallocated time, which as acknowledged in the Office Action have not been disclosed in Hsu et al.

As discussed in detail in arguments previously made of record, Lopez et al actually tracks unallocated funds rather than unallocated time.

It is further noted that the notions of time in the context of Lopez et al and in the context of an assertion as recited in claim 1 are substantially different. Allocation of funds in a prepaid account to actual usage for a telephone call according to the teachings of Lopez et al are not analogous to the allocation of time to the lifetime of an assertion, as recited in claim 1.

At least for the foregoing reasons, independent claim 1 is patentable over the combination of Hsu et al and Lopez et al.

Regarding claim 2, page 13 of the Office Action points to paragraphs 42 and 43 of Lopez et al as allegedly disclosing the step of eroding unallocated time over time. These paragraphs of Lopez et al refer to allocating talk time to calls based on funds available in a prepaid communications account. This is not the same as the claimed feature of eroding unallocated time. This feature is described, for example, in the second paragraph on page 11 of the present application. As described, accounts are prevented from maintaining unallocated time indefinitely, and the CTM 14 gradually erodes the unallocated time field for each account. No such eroding function has been disclosed in the referenced paragraphs of Lopez et al.

Appl. No. 09/892,490

Claim 2 is therefore also believed to be patentable over Hsu et al and Lopez et al.

Claims 17 and 18 are directed towards computer readable mediums having instructions stored thereon for execution on a processing platform to execute the methods of claims 1 and 2, respectively. For at least the same reasons as claims 1 and 2, claims 17 and 18 are also believed to be patentable over Hsu et al and Lopez et al.

In the rejection of claim 11, the Office Action relies on Hsu et al as allegedly disclosing the limitation of identifying an assertion to be revoked, and on Lopez et al as allegedly disclosing the limitations of maintaining an unallocated time available for services and adding remaining lifetime to the unallocated time.

As discussed above with reference to claim 1, however, the notion of time in Lopez et al is substantially different than in claim 11. At least on this basis, claim 11, and similarly claim 12 which depends therefrom, are believed to be patentable over Hsu et al and Lopez et al.

Claims 3 to 5 and 14 to 16

Independent claim 3 is directed to a system comprising components for carrying out assertion management functions that include adding requested bulk lifetime to unallocated time, generating an assertion having a requested lifetime and deducting the requested lifetime from the unallocated time, and adding remaining lifetime of a revoked assertion to the unallocated time.

In addition to the differences in respect of time allocations and use, as discussed above, claim 3 further differs from the combination of Hsu et al and Lopez et al by explicitly reciting a requested lifetime. Neither Hsu et al nor Lopez et al discloses or even suggests that the lifetime of an assertion could be requested by a user. The user has no control over certificate expiry lifetime in Hsu et al, or the portion of an account balance that is allocated to a call in Lopez et al.

Appl. No. 09/892,490

Claims 4 and 5 depend from claim 3 and are patentable over Hsu et al and Lopez et al at least for similar reasons.

Independent claim 14 also recites a requested lifetime, and thus patentably distinguishes over Hsu et al and Lopez et al for at least the same reasons as claim 3.

Claim 15 is a system claim that includes features that are substantially similar to those recited in method claim 1, and distinguishes over Hsu et al and Lopez et al for similar reasons.

Since claim 16 depends from claim 15, claim 16 is also believed to be patentable over Hsu et al and Lopez et al.

Claims 5 and 16

These claims stand further rejected as being unpatentable over the combination of Lopez et al and Hsu et al in view of Stahl et al.

As discussed above, claims 5 and 16 are dependent claims that distinguish from the combination of Lopez et al and Hsu et al. Stahl et al does not disclose or suggest at least those features discussed in detail above by which claims 3 and 15, from which claims 5 and 16 respectively depend, distinguish over Lopez et al and Hsu et al and accordingly does not render claims 5 and 16 unpatentable.

Claims 6 to 10 and 19 to 21

These claims stand rejected as being unpatentable over the combination of Lopez et al and Hsu et al in view of Anvekar et al.

Appl. No. 09/892,490

Claim 6 depends from claim 3 and accordingly distinguishes over the combination of Lopez et al and Hsu et al for at least the same reasons as claim 3. Anvekar et al does not cure the defect in the disclosure provided by Lopez et al and Hsu et al, with respect to claim 6.

Independent claim 7 discloses assertion request processing that differs from the combination of Lopez et al and Hsu et al at least on the basis of the different notions of time relating to the claimed assertions and the communications account management functions of Lopez et al.

Claim 11 further recites a requested lifetime, which as discussed above also is not disclosed or suggested in Lopez et al or Hsu et al.

Anvekar et al also fails to disclose or suggest these features.

Claim 7, as well as claims 8 to 10 which depend therefrom, patentably distinguish over the combination of Lopez et al and Hsu et al with Anvekar et al for at least these reasons. Dependent claims 8 and 10 also recite additional features that have not been disclosed in the combination of references. Contrary to the assertion on page 24 of the Office Action, lines 58 to 66 of column 2 of Hsu et al do not disclose the claimed feature of forwarding a request for an assertion to an entity responsible for generating assertions. According to claim 8, a method involves a step of accepting a request for an assertion, as recited in claim 7 from which claim 8 depends, and a further step of forwarding the request to an entity responsible for generating assertions. This process of accepting and forwarding a request has not been disclosed or suggested in Hsu et al. A feature of eroding unallocated time over time is recited in claim 10, and as discussed above, has not been disclosed in Lopez et al.

Claims 19, 20 and 21 refer to claims 7, 9, and 10, and accordingly patentably distinguish over Lopez et al, Hsu et al, and Anvekar et al for at least the reasons discussed above.

Appl. No. 09/892,490

Reconsideration and withdrawal of the claims rejections under 35 U.S.C. 103 are respectfully requested. A prima facie case of obviousness has not been established. The required elements of a motivation to combine the cited references and disclosure of all claimed features in the cited references have not been met.

In addition to the claim amendments noted above, clarifying amendments have also been made to claims 1, 6, and 18. In claim 1, "providing" has been replaced with "managing" at line 1, claim 6 has been amended to replace "the user" with "a user associated with the unallocated time" to address an apparent antecedent issue, and a space between "where" and "in" has been removed from line 1 of claim 18.


Applicant respectfully submits that the application is now in condition for allowance, and early action to this effect is earnestly solicited.

In the event that the Examiner does not find the present submissions to be persuasive, then Applicant respectfully requests that at least the claim amendments be entered. These amendments place the application in better form for appeal, and accordingly are proper.

Respectfully submitted,

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